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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Guenter Weinberger *et al.* Confirmation No. 2140
Serial No.: 10/699,022 Art Unit: 2115
Filed: October 31, 2003 Examiner: Wang, Albert C.
For: **CONVERGENCE DEVICE WITH DYNAMIC PROGRAM THROTTLING BASED ON POWER INDICATOR**

REQUEST FOR RECONSIDERATION AFTER FINAL

Mail Stop Patent Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the official Final Office Action dated April 16, 2007 and the telephonic interview of April 27, 2007, wherein Claims 2-21 were rejected under 35 U.S.C. 112 first paragraph for failing to meet the written descriptions requirement, Applicant request reconsideration of the rejection based on the following arguments.

Independent method Claim 21, device Claim 19 and article of manufacture Claim 20, each include the following limitations: (a) storing, for at least a given one of a plurality of noncritical programs associated with the data communication functions, an identifier of at least one alternate capacity program performing substantially the same function as the given program but having a different power source capacity associated therewith; and (b) based at least in part on a power indicator representative of a characteristic of the power source, setting at least a subset of the plurality of noncritical programs in one of an executing state, a pending state and a sleeping state; and further based at least in part on the power indicator, replacing execution of the given program which is in the executing state only with execution of the alternate capacity program which is in the pending state, such that an amount of power source capacity utilizable for the voice call communication functions is increased.

The rejection indicates that the original language of the claims inferred that state setting step and the replacing step was a single step. The claims have been amended to delineate the two steps, which is consistent with the speciation. Thus the claims are considered to meet the requirements of 35 U.S.C. 112.